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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,724	04/08/2005	Wolfgang Heger	48497	9963

1609 7590 08/14/2006

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EXAMINER

MUROMOTO JR, ROBERT H

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/530,724	HEGER ET AL.	
	Examiner	Art Unit	
	Robert H. Muromoto, Jr.	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The abstract of the disclosure is objected to because the recitation, "The invention relates to..." is redundant and not proper for US patent practice. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the recitation, "the individual fabric" has no clear antecedent basis as two individual fabrics are present. Also the recitation, "extends above warp yarns of the individual fabric below which extends..." is ambiguous and confusing.

Claim 4, the recitation, "the respective binding weft yarn" has no antecedent basis; "the point of extension above of the associated warp yarn" is not clear and has no clear antecedent basis; and "relative to it an angular measurement which is equal to the

correspondingly formed angular measurement of the weft yarn extension below" is confusing with no clear antecedent basis throughout.

Claim 5 the recitation, "the respective binding weft yarn" has no antecedent basis; and "the point of such extension above" has no clear antecedent basis.

Claim 6, the recitation, "the respective binding weft yarn" has no antecedent basis.

Claim 7, the recitation, "the respective binding weft yarn" has no antecedent basis; and "and that of the lower fabric" has no clear antecedent basis.

Claim 8, the recitation, "the respective binding weft yarn" has no antecedent basis, "three interposed warp yarns" is not clear there are upper and lower warp yarns to which is applicant referring? and "the point of central warp yarn of this group of three binding weft yarns.", lacks clear antecedent basis.

Claim 9 the recitation, "as a result of functional separation..." is confusing and is not clear how this statement affects the screen. The term, "by preference" causes some confusion, is applicant actually claiming these specific materials or not?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 and 9, to the extent that they are understood by the Examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by DE 4229828.

'828 shows a papermaking screen with all the features specified in the preamble of claim 1 (see column 2, lines 22-42, and figure 1).

With regards to the characterizing part of claim 1, '828 shows in figure 1, binding thread 7 passing over warp thread 5, and weft thread 6 passing under warp thread 5 as claimed.

Figure 1 clearly shows two individual fabrics, the use of the upper and lower for paperside and machine side are inherent to '828 as this is the common configuration of papermaking belts. Also figure 1 shows only one type of binder yarn as claimed. The upper surface is shown as a plain weave or linen binding as claimed and the angular measurements appear to be the same as claimed.

Figure 1 clearly shows the lower fabric in a multiple shed (shank) binding as claimed. The Figure shows three warp yarns between each binding of the lower fabric as claimed.

Figure 1 also shows the binder yarn extending above yarn 5 and being supported by both yarns 5 and 6.

Claim Rejections - 35 USC § 103

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over '828.

Although essentially all of the limitations of the instant invention have been disclosed above, '828 does not specifically teach that the diameter of the binder yarn is essentially the same of the weft yarns on the paper side layer fabric.

However, the selection of particular diameter binder yarns has not been given any criticality or unexpected results in the specification, one of ordinary skill in the art would be able to determine the optimum binder yarn diameter for use in a papermaking screen with desired predetermined properties for a particular application.

Allowable Subject Matter

Claims 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Muromoto, Jr. whose telephone number is 571-272-4991. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bobby Muromoto
Patent Examiner
July 20, 2006

A handwritten signature in black ink, appearing to be 'B. Muromoto', written over the printed name and date.